

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT A. RICHMOND,  
Plaintiff

v.

PRICE, SUPERINTENDENT, et. al.  
Defendants

)  
)  
)  
)  
)  
)  
)

CIVIL ACTION NO. 99-192 Erie

ORDER

AND NOW, this 26<sup>th</sup> day of ~~December~~ <sup>November</sup>, 2003,

IT IS ORDERED that the matter be set for jury selection and trial on December 16, 2003, at 9:00 a.m., before the undersigned United States District Judge, Courtroom C, United States Courthouse, Erie, Pennsylvania,

IT IS FURTHER ORDERED that the Clerk of Court issue writs of habeas corpus to the Superintendents for SCI Greensburg, S.C.I. Camp Hill and S.C.I. Dallas for the production of Christopher Kaminiski DT-8055, W. Ferrell EC-7373 and Dennis McKethan BB-2253 as well as the plaintiff Robert A Richmond to be present for the jury selection and trial on the above date; the plaintiff and witnesses shall then be returned to his designated institution upon completion of the proceedings.

All costs to be borne in conformity with the determination in Story v. Robinson, 689 F.2d 1176 (3d Cir. 1982) and Garland v. Sullivan, 737 F.2d 1283 (3d Cir. 1984), affirmed, sub nom., Bureau of Corrections v. U.S. Marshal Service, 54 L.W. 4001 (1985).

  
Sean J. McLaughlin  
United States District Judge

cc: Robert A. Richmond, DB- 7852  
Rod Torbic, Esq., Craig Maravich, Esq.  
U. S. Marshal  
Superintendent, S.C.I. Greensburg  
Superintendent, S.C.I. Albion  
Superintendent S.C.I. Greene  
Superintendent S.C.I. Camp Hill  
Superintendent S.C.I. Dallas

DC-ADM 804, Inmate Grievance System  
DC-804  
Part 3

Attachment C  
COMMONWEALTH OF PENNSYLVANIA  
Department of Corrections  
SCI-Albion

DATE: December 23, 2003 *Attachment 2 of 7*  
SUBJECT: GRIEVANCE REJECTION FORM

TO: Robert Richmond  
~~DB-7052~~ RHU A17

FOR OFFICIAL USE ONLY

**70616**

GRIEVANCE NUMBER

FROM: *Mr. Barr*  
Mr. Barr  
Facility Grievance Coordinator

The attached grievance is being returned to you because you have failed to comply with the provision(s) of DC-ADM 804, Inmate Grievance System:

1. \_\_\_\_\_ Grievances related to the following issues shall be handled according to procedures specified in the policies listed and shall not be reviewed by the Facility Grievance Coordinator.
  - a. DC-ADM 801 – Inmate Disciplinary and Restricted Housing Unit Procedures
  - b. DC-ADM 802 – Administrative Custody Procedures
  - c. other policies not applicable to DC-ADM 804
2. \_\_\_\_\_ Block B must be completed, as per the Instruction #3 of the Official Inmate Grievance Form.
3. \_\_\_\_\_ The grievance does not indicate that you were personally affected by a Department or facility action or policy.
4. \_\_\_\_\_ Group grievances are prohibited.
5. \_\_\_\_\_ The grievance was not signed and/or dated.
6. \_\_\_\_\_ Grievances must be legible and presented in a courteous manner.
7. \_\_\_\_\_ The grievance exceeded the two (2) page limit. Description needs to be brief.
8. \_\_\_\_\_ Grievances based upon different events shall be presented separately.
9. \_\_\_\_\_ The grievance was not submitted within fifteen (15) working days after the events upon which claims are based.
10. \_\_\_\_\_ You are currently under grievance restriction. You may not file any grievances until \_\_\_\_\_.  
Date
11. \_\_\_\_\_ Grievance involves matter(s) that occurred at another facility and should be directed by the inmate to the appropriate facility.
12.   X     The issue(s) presented on the attached grievance has been reviewed and addressed previously.

cc: Lt. Morrow  
DC-15  
File (70616)

DC-804  
Part 1COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

70616  
GRIEVANCE NUMBER

## OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR <i>Bill BARR</i>	FACILITY: <i>SCI Albion</i>	DATE: <i>Dec. 22, 2003</i>
FROM: (INMATE NAME & NUMBER) <i>Robert Richmond DB-7852</i>	SIGNATURE OF INMATE: <i>[Signature]</i>	
WORK ASSIGNMENT: <i>TEMP. TRANS. COURT</i>	HOUSING ASSIGNMENT: <i>RHU H/A-17</i>	

## INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

*I AM Alleging 1<sup>st</sup> Amend U.S. Constitution Right  
 Access to the Courts ARE being violated by  
 officials at SCI- Albion in retaliation  
 for civil action No. 99-192 E. Defendant,  
 G. Wilkes is a party to the pending lawsuit  
 AND I AM deliberately denied access to the  
 mini law library in spite of numerous DC-135 A  
 request(s). Further per Deputy Supt. Wilkes I  
 have been denied to make a telephone call as of  
 12-18-03 without cause.*

B. List actions taken and staff you have contacted, before submitting this grievance.

*Numerous requests to staff DC-135 including:  
 Lt. Ransom ; Lt Morrow ; Supt. Wolfe ;  
 Major of Guards ; in over 30 days I've been  
 permitted one (1) visit to mini law library?  
 I've also contacted Court Judge S. McLaughlin.*

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Facility Grievance Coordinator

Date

WHITE - Facility Grievance Coordinator Copy CANARY - File Copy PINK - Action Return Copy GOLDENROD - Inmate Copy

Revised  
December 2000

A-17

Form DC-135A

Commonwealth of Pennsylvania  
Department of Corrections

## INMATE'S REQUEST TO STAFF MEMBER

RHV Lieut. (A.M.)

## INSTRUCTIONS

Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.

1. To: (Name and Title of Officer)

Lt. Ransom or Lt. Morrow

2. Date:

Dec. 22, 2003

3. By: (Print Inmate Name and Number)

R. Richmond DB-7852

4. Counselor's Name

5. Unit Manager's Name

6. Work Assignment

7. Housing Assignment

H/A - 17

8. Subject: State your request completely but briefly. Give details.

SIR, I AM REQUESTING TO USE MINI LAW LIBRARY IN THE NEXT AVAILABLE TIMESLOT. SINCE MY ARRIVAL NOV. 18, 2003 I HAVE ONLY BEEN ALLOWED TO USE THE LIBRARY ONE (1) TIME DESPITE NUMEROUS REQUESTS? THIS IS MY 10<sup>th</sup> REQUEST AND I AM ALLEGING RETALIATION & 1<sup>st</sup> AMEND ACCESS TO COURT VIOLATION. CC: FILE/COURT/DEPUTY WILKES

9. Response: (This Section for Staff Response Only)

Sched 100

To DC-14 CAR only ☐To DC-14 CAR and DC-15 IRS ☐

Staff Member Name

SASCALISE

Print

Sign

Date

12-23-03

Form DC-135A

## INMATE'S REQUEST TO STAFF MEMBER

RHU Lieut.'s

Commonwealth of Pennsylvania  
Department of Corrections

## INSTRUCTIONS

Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.

1. To: (Name and Title of Officer)

Lt. MORROW; RANSOM etc.

2. Date:

12-28-03

3. By: (Print Inmate Name and Number)

Robert Richmond DB-7852

4. Counselor's Name

5. Unit Manager's Name

6. Work Assignment

Temp. Transfer

7. Housing Assignment

RHU H/A - 17

8. Subject: State your request completely but briefly. Give details.

SIR, I AM REQUESTING TO USE MINI LAW LIBRARY.  
THIS IS MY 11<sup>TH</sup> REQUEST SINCE MY ARRIVAL.  
I HAVE ONLY BEEN SCHED. ONE (1) TIME SINCE  
NOV 18, 2003. THIS OCCURRED ON DEC. 17, 2003?  
MY MOST RECENT REQUEST WAS ON DEC 22, 2003,  
SGT SCALISE RESPONDED 12/23/03 SAYING I'D BE  
SCHED. YET I HAVE NOT RCD ACCESS?

cc: File/Aist. Court/Sgt. Wolfe

9. Response: (This Section for Staff Response Only)

To DC-14 CAR only ☐To DC-14 CAR and DC-15 IRS ☐

Staff Member Name

Print

/

Sign

Date

Handwritten: 3-1-03

RECEIVED

MAY 19 2004

CLERK, U.S. DISTRICT COURT  
WEST. DIST. OF PENNSYLVANIA

Christopher Kaminski  
DT-8055  
S.C.I. Somerset  
1600 Walters Mill Rd.  
Somerset, Pa. 15510

Erie Clerk's Office  
P.O. Box 1820  
Erie, Pa. 16507

May 16, 2004

Dear Sir/Madam

Sorry to bother you. But I just received your address a couple of days ago. And I understand this is the Clerk's Office where Mr. Richardson filed his lawsuit against S.C.I. Greene. So I am sending you a copy of the complaint that I filed about the abuse I received at S.C.I. Albion when I was transfer to Albion on a subpoena to appear in Federal Court to testify for inmate Richardson on Monday, December 15, 2003. S.C.I. Albion denied me of my rights to appear in your court because after the Assault they transfer me back to S.C.I. Somerset on December 11, 2003. I like to see some Justice

Thank you for your time and hope to receive a reply from your office

copy filed

Christopher Kaminski

Christopher Kaminski

DT-8055

S.C.I. - Somerset

1600 Walters Mill Rd.

Somerset, Pa. 15510

Erie Clerk's Office

P.O. Box 1820

Erie Pa. 16507

May 16, 2003

Dear Sir/Madam

I'm sending this complaint to your office because I feel that the U.S. Marshals is responsible for the abuse that I received at S.C.I. Albion. I was transfer from S.C.I. - Somerset to Albion on December 9, 2003 by a Subpoena to appear in Federal Court to testify for a inmate by the name of Richardson on Monday, December 15, 2003. I never made my court appearance because after the abuse on December 10, 2003 I was transfer back to S.C.I. - Somerset around 5:00 A.M. Thursday morning December 11, 2003. The Secretary of Corrections Mr. Beard and S.C.I. - Somerset and S.C.I. - Albion all refused to do a thing about the abuse and they refused to answer my complaint that was filed at S.C.I. - Somerset on December 11, 2003 for Harassment, Cruelty and Unusual Punishment, Assault and Tampering with a witness.

On December 9, 2003 I was transfer from S.C.I. Somerset to S.C.I. Albion because I was subpoena to appear in Federal Court. On December 10, 2003 during the 0600 hour count I ask the sergeant if he can turn on the water and pressure in the cell so I could clean up, the sergeant told me there isn't anything wrong with your water that's all the



water pressure you get in this R.H.U.. After breakfast when the inmate worker was picking up the trays with a guard the inmate worker told me to take apart your Flex Pen and put the Hollow Tube down in the hole then you can drink some water when you need some water. Then a male nurse with a guard escort came on the Block to pass out the morning medication and when the nurse came by my cell I ask the nurse for my medication and the nurse said he doesn't have any meds on the cart for you. Then the guard said to the nurse that ass hole just came from another institution last night. Then the nurse said if your meds isn't on this cart then your institution didn't send your fucken meds with you. I said to the nurse last night down at intake the receiving room a male nurse called me in a room and had all my medication and gave me my four pill line medication to take with water. Then the guard said didn't you hear the nurse ass hole you don't have any meds on his cart so shut your fucken mouth you fucken ass hole. I said to the guard why are you disrespecting me like that and he said your a fucken ass hole thats why. Then I looked over at the block door way and a lieutenant was standing at the door. I yelled for the lieutenant but he just looked into the block but didn't come in so to get the lieutenant attention I Kicked the cell door two times. This time the lieutenant came to my cell and before I could say anything this Lt. Morrow said you kicked my door and now you don't eat on my shift then he walked off the block. Then a couple minutes later the guard that was with the nurse this morning with two other guards came to my cell and said guest what ass hole I just went thru your record and your in jail for raping that little boy you fucken ass hole and your so tough fucking with little boys. The guards tryed to get the whole block to turn against me. I said to all three guards can't the three of you come up with



A better line that line is about 20 years old and I had to laugh. They stayed on the block for a couple more minutes disrespecting me and calling my family names. Then came lunch and the guard and inmate worker just walked pass my cell refusing to give me my lunch tray and I am a diabetic. Then about a half hour or so after they picked up the trays the same three (3) guards came back to my cell and told me to put on my jumpsuit the doctor wants to see you. After getting handcuff behind my back then they open my cell door and a guard on each side of me grabs the back of my jumpsuit and started to force pushing me off the block and the one guard was saying your not so tough now are you asshole, the whole block was watching everything that was going on. And when I got off the block to the right was Lt. Morrow with three more guards with a nurse standing by a room watching. I went into the next room and a physician assistant said I have to get his weight then tell me to sit on the examination table then tells me to breathe in and out slow then he tells me he has to reorder my medication. Then one guard got on the phone and pushed a couple of numbers then puts the phone to my ear but I didn't understand everything the person was saying. Because the one guard was saying in my left ear did you enjoy raping that little boy mother fucker your going to get everything that's coming to you asshole. Now I am leaving the room with all three guards and the other guards and Lt. Morrow were watching everything and when I got to the block door, All three guards force pushed me into the door saying your not so fucken tough now asshole. Then they pushed me through the door force pushing me to my cell. Once I got to the cell one guard open up the cell door all the way then the other two

guards Force Pushed me into the door and wall. Then they Force me into the cell up against the table then force me down on the table and one guard started Forearming me in the back of my head and on the back of my neck and the other one was Forearming me in my back while the other guard was holding the rope to the handcuffs that was on behind my back. Then the one guard said take the fucker cuffs off this mother fucker and lets see how fucker tough he is now. Now two guards are holding me down on the table while the other guard was removing the cuffs, then the guard said get off of him and lets see how fucker tough you are now ass hole. When I turned to the left on the table one guard had a cell key in his hand up in the air and when I turned a little more he came down with his hand and the key got me in the palm of my hand. Then I got up from the table and said I'm not nuts and your not worth the time then one guard tried to punch me then thru a kick hitting me in the private. Then the two other guards grabbed the guard and left my cell closing my cell door. The whole A-pod in the R.H.U at S.C.I. ALBION seen and heard everything that went on in my cell when the three guards jumped me using force for no reason whatsoever. (I Am not a baby rape). All that time Lt. Morrow was watching everything that happen when the guards jumped me. The two inmates above me in 19 and 20 cell both called this Lt. Morrow up to there cell and told Lt. Morrow the one guard that was with the morning nurse started the whole thing this morning. Then a couple of minutes later Lt. Morrow with the three guards that jumped me started to disrespect me and Harass me and even the guard working the bubble was disrespecting me and my family on the intercom for the rest of the 6 to 2 shift. When the 2 to 10 shift came on I ask to see a Captain it was a emergency. They all refused to call a Captain and

I even ask to see medical to file a medical report on the Assault I received from the morning guards and they even refused to call medical for me. Then the Chaplain came on the block and I told him everything that happen then I ask if he can get a Captain to come to the R.H.U. to see me about the Assault. No one ever showed up at my cell. Then the Four pill line male nurse came on the block and I had no trouble receiving my medication. Then I ask if I can see some one from medical to file a medical report on the Assault I received on the morning 6 to 2 shift. The male nurse said the only thing I can do is give you a sick call request slip and write down everything that happen to you this morning. After writing out my statement on a sick call request I handed it right back to the nurse. Then the nurse gave me some medication ointment for the cuts on the palm of my hand with some bandages for my palm and finger.

Thursday, December 11, 2004 around 4:30 A.M. a 10 to 6 guard came to my cell to get me up and said get ready your going for a ride. When the guard left the block I yelled up to 17 cell to inmate Richardson to ask if the guard got him up for court. Richardson yelled back saying his court isn't until Monday. Richardson is the inmate that I was being a witness for in Federal Court. Then Richardson told me he sent a letter to the Judge in Federal Court to let the Judge know about the Assault I received from the 6 to 2 morning guards.

Then about 20 minutes later Lt. Morrow with one of the guards that Assaulted me with two other guards came to my cell handcuff me and open up my cell door and the one guard started to threaten me all the way to the strip search room where the video camera was and a guard got on the intercom and ask if they wanted the

page 6

camera off and the guard that Assaulted me said leave it off. The Sergeant that was transferring me back to S.C.I.-Somerset walked in the room and said leave the camera on and told the guard to leave the room. This Lt. Morrow refused to feed me my breakfast before getting transfer back to Somerset that morning on December 11, 2003. Then the guards refused to feed me my lunch the guards received Four (4) bag lunches when there was only three guards in the van that was transferring me back to Somerset.

Everything that was said in this complaint is True and I would pay to have one of them test taken to prove that everything that happen to me up S.C.I. Albion is True. I would like to see some Justice and I want to file charges against Lt. Morrow and the three guards that Assaulted me on Wednesday morning December 10, 2003 at S.C.I.-Albion, for Harassment, Cruelty and Unusual Punishment, Assault and for Tampering with a witness.

Thank you for your time and will be waiting for your reply.

Christopher Kammish

copies filed

S.C.I. Somerset Security Office and was forwarded to S.C.I. Albion, 12/11/03

Department of Corrections, Secretary, Jeffrey Beard, 12/18/03

Staff Assistant, Mr. Ray/Lawler, Camp H.11, 3/30/04

U.S. Federal Marshals, Pittsburgh Office, 3/31/04

U.S. Federal Circuit Court, Erie, Pa., 4/19/04

Federal Clerk of Courts, Pittsburgh Office, 4/19/04

Myself and Family 12/11/03

All the above addresses are refusing to answer my complaint, as of today  
May 16, 2004



PENNSYLVANIA DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PENNSYLVANIA 17001-0598  
(717) 975-4859

March 25, 2004

Mr. Christopher Kaminski, DT-8055  
SCI-Somerset  
1600 Walters Mill Road  
Somerset, PA 15510

Dear Mr. Kaminski,

Your letter dated March 15, 2004 to Secretary Beard has been forwarded to my office for a response. Your letter refers to a five-page complaint that you sent the Secretary about alleged harassment at SCI-Albion.

Our records indicate that your last correspondence to this office was in 2000. I do not have any record of your referred correspondence.

Sincerely,

  
Ray Lawler  
Staff Assistant

cc: Deputy Secretary Kenneth Kyler  
Superintendent Sobina  
Central File  
Corr. #: 2004-C15-000000002  
File

"Our mission is to protect the public by confining persons committed to our custody in safe, secure facilities, and to provide the opportunities for inmates to acquire the skills and values necessary to become productive law-abiding citizens; while protecting the rights of crime victims."

*Sent Mr. Ray Lawler a copy of the complaint that Mr. Beard said he never received in on  
December, 2003, on March 30, 2004 Staff Assistant Mr. Ray Lawler*

Honorable Sean J. McLaughlin  
United States District Judge

*Attachment 4 of 7*

In re. Richmond vs. Price, et.al., No. 99-172 Eja

Dear Judge McLaughlin:

On October 21, 2003, the above captioned case was reopened. It has occurred to me after a brief appearance before your Honor on November 25, 2003, with respect to the above captioned case that a brief summary of the proceedings that have transpired in my case would be helpful to assist you in preparation for the anticipated pretrial conference and scheduling for jury trial.

On November 1<sup>st</sup>, 2003, I was transferred to SCI-Albion to attend a pretrial conference which occurred on November 25, 2003. Jury selection was scheduled for December 15, 2003. During my stay at SCI-Albion from 11/12/03, through 12/30/03, I was repeatedly and overtly retaliated against by corrections officials at SCI-Albion. I have reason to believe the retaliations were directly related to the fact that (defendant) Wilkes is employed at SCI-Albion, and also that his wife is the Deputy Superintendent at that facility.

The retaliations ranged from being denied access to the law library, to not being permitted to use the legal research computers, to being forbidden to confer with my witnesses who were subpoenaed to testify on my behalf and transported to SCI-Albion for that sole purpose.

In addition to the above, one of my witnesses, (Mr. Christopher Kaminski), was denied medical treatment (he is a diabetic) and I personally witnessed him being assaulted by several corrections officers who unlawfully opened and entered his cell and physically beat him for



several minutes. He is willing to provide sworn testimony concerning the harassment and retaliations he was subjected to at my upcoming trial if necessary. He was then escorted from the housing unit, and I did not see him again. Further, instead of transferring the other witness I requested i.e. (Dennis McFadden), who was present at the time I was assaulted on Feb. 22, 1999. Another individual with a similar name who was not even assigned to SCI-Crescent on the day of the incident was subpoenaed and transferred to SCI-Athol to allegedly testify on my behalf. These actions demonstrate a personal prejudice and malice against me due to the pending case against the defendants and it evinces a willingness on behalf of the parties through any means necessary to dissuade me from proceeding with the lawsuit, and may constitute the obstruction of justice. It is impossible the subpoena was prepared and executed for the wrong person inadvertently, without the direct knowledge of defense counsel. I was informed the corrections officials were also told specifically that I was not to be permitted to confer with my witnesses in preparation for trial while being housed at SCI-Athol.

Truthfully, Your Honor, I am unable to properly authenticate and/or present the evidence. Including medical evidence that may be proffered which would demonstrate I have sustained neurological damage to my right hand as a result of the assault against me. I cannot in any legal context properly stipulate facts to simplify the case, take depositions of the defendants, cross-examine proposed defense witnesses with any legal dexterity or even discuss my case beforehand with my witnesses. I was literally told several times by corrections officials that I would be better served to simply drop the lawsuit. My stay at SCI-Athol was nothing short of intimidation and duress. I have no legal training whatsoever, nor do I have experience in litigation and/or the complexities of conducting a trial. In sum, simplicity in the allegation supporting the claim does not translate into simplicity in the presentation of the claim before a jury. These factors all weigh heavily in regards to the appointment of counsel on my behalf.


Also, in the interest of expense reduction and case resolution before trial, it would be in the best interest of all parties concerned



that I be appointed counsel to represent me so as to be able to discuss possible settlement of the case.

I am therefore, respectfully requesting that you provide me with a copy of the transcripts of November 25, 2003, in which you granted my oral motion in limine. I also request you to reconsider the appointment of counsel to represent me in these matters.

cc: All Defense Counsel  
file

Sincerely,  
  
Robert Richmond, pro-se  
22 10 Box 10  
Greensburg, Pa. 15601

#### DECLARATION

I, Robert Richmond do hereby certify that the within is true and correct based on personal knowledge and that I am willing to testify to same subject to the penalty of perjury in accordance with 28 U.S.C. § 1746.

#### MODE OF SERVICE

I, Robert Richmond hereby state that I have served a copy of the within to the following person(s) and in the manner indicated. First class, U.S. mail, postage prepaid (institutional) to:

Honorable Sean J. McLaughlin  
U.S. District Judge  
U.S. Courthouse Room A250  
17 South Park Row  
Erie, Pa. 16501

Office of the Attorney General  
Attn: Craig E. Mayevich/Delroy Torbley Esq.  
364 Forbes Avenue  
6th Floor Manor Complex  
Pittsburgh, Pa. 15219

Date: November 1, 2003

By Robert Richmond

*Attachment 5 of 7*

TELECONFERENCE RE. 99-192F

*1/17/06 9:30 A.M.*

ATTENDEES: Hon. Judge Sean McLaughlin, Craig Maravich Esq., Robert Richmond

The teleconference began with Judge McLaughlin regarding the case and scheduling for trial in or around the February 21st timeframe. Mr. Maravich stated that he is sched. for vacation and therefore that date would be inappropriate for him. Judge M., stated he is willing to compromise. However, the case has already been sched. for trial on 11/30/05, to commence on **March 13, 2006**. Therefore, after checking with his clerk the Judge stated that we will continue to proceed with the March 13, 2006 date. Briefly, the Judge questioned plntf regarding which witnesses he will present at trial that have actually witnessed the incident of Feb. 28, 1999. I stated the witnesses to be called at trial including, Inmate Dennis McKethan, Inmate Ferrell, Inmate Christopher Kaminski, Inmate Bradley, Capt. Roach. Defense counsel stated that he intends to call the three (3) defendants, a Nurse (to decipher medical records) and perhaps one (1) other person (unidentified). Counsel also wishes to introduce the Misconduct Report issued to plntf as a result of the incident. This piece of evidence must be strongly challenged at trial, as it is in whole or part, erroneous and invalid insofar as it contains allegations and conclusions which **did not take place**.

The Judge stated that the trial will be in two parts. Part 1 consisting of establishing whether **any or all** of the defendants used excessive force upon plaintiff. Part 2 consisting of damages **if any or all of the defendants** are found liable for excessive force under the Eighth Amendment. Upon inquiry concerning the local rules concerning an independant medical exam, the Court refused to permit me to obtain an exam under this rule. See Local Rules of the Western District Rule 35.1.

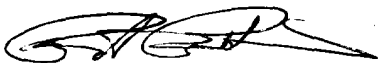
The Court stated that it will be an issue of credibility, and that I will only have to **tell my story** and submit the proposed documents and/or reports concerning my injuries into evidence and damages sustained. When the Court inquired re. the extent of my injuries, and I explained the

nature of my permanent damages (neurological) and the consistent pain I experience. Counsel for defendants stated that it is his understanding that I am receiving injections in **my back**. I corrected counsel insofar as I am receiving specialized care and nerve block injections in my hand/wrists to assist in pain management. That in addition, I am under treatment for paresis, and carpal tunnel syndrome, and that I am taking prescription pain medication three (3) times per. day.

Also, I will have to obtain copies of my medical file to enter as evidence during trial which will substantiate these facts as well as medical reports in my possession from Neurospecialist Dr. Kamal Rastogi, from Greensburg Neurological Institute of Western Pa., who has administered the nerve block injections on several occasions. I am also presently scheduled to receive additional nerve block injections upon approval and finalization of the necessary prison documentation.

Upon inquiry as to the Stipulation of Facts submitted by plaintiff. The Court stated that the defendants are not bound by any stipulations as they did not agree on any stipulated facts. However, it is established that stipulations are to be treated as admissions under the Fed. Rules of Civil Procedure, insofar as if they are not contradicted those facts are deemed to be admitted by law. See 935 F.2d 1090 (10th Cir. 1991), However, rather than to streamline the case and/or admonish counsel for his failure to contradict plaintiff's proposed stipulations, the Court steadfastly is biased towards me as a pro se litigant.

Lastly, the Court stated that defense counsel may choose to submit any additional voir dire questions and/or points for jury charge at his convenience. Further noting that the factual issues of the case are very narrow. In closing, the Court stated that since defense counsel has refused to offer a counter settlement offer the case would proceed to trial as scheduled. I inquired as to why counsel has refused to at least contact me concerning this, and counsel stated that in his estimation my offer of 10 thousand dollars per defendant was **too high**, and that he was considering an offer of only several hundred dollars. I flatly refused his offer and indicated to counsel that I am at present seeking to obtain counsel to represent me. He concluded by saying that was his offer, and our discussion ended.

  
 Plaintiff

*Attachment 6 of 7*

February 4, 2006

To: Nicole M. Kierzek, Deputy Clerk

Subject: Your Correspondence dated Jan. 31, 2006

In Re: Civil Action No. 99-192 Erie

Dear Ms. Kierzek:

I am in receipt of your correspondence regarding writs which have been issued for two of the witnesses I requested to be present for my upcoming trial which is scheduled to begin on March 13, 2006, before the Honorable Sean J. McLaughlin.

However, I **did not request** to have **John Dijulio** to provide testimony in my case, nor do I even know who he is and/or if he was present at SCI-Greene on the day of the incident in question ? I did request that Inmate Bradley, (first name unknown) to testify on my behalf, as well as Captain Roach, who is a corrections officer at SCI-Greene. Unfortunately, defendants counsel **have failed to provide** a list of all inmates who were assigned to **FD-Pod** on February 28, 1999, **as requested**. This severely hinders me from being able to provide a complete list of the witnesses who actually witnessed the assault by corrections officers against me.

Furthermore, I requested Mr. Maravich, who is counsel for the defendants to provide to me the name of the person authorized to offer settlement in the case ? He has refused to provide same. Counsel had also refused to provide insurance coverage and policy data for each of the three (3) defendants ?

Your assistance in this regard is appreciated. I am in the process of preparing voir dire questions, as well as information that I wish to include in the jury charge/stipulations to be presented.

Lastly, as I have voiced my concerns earlier at the status

conference dated November 30, 2005. I want to again mention that defendant Wilkes (wife) is the Deputy Superintendent at SCI-Albion. During my previous transfer to that facility in preparation for trial which was initially scheduled for December 2003, I was denied by prison officials the opportunity to **even confer with my witnesses, or to utilize the prison law library.** Furthermore, one of my proposed witnesses was threatened and subsequently assaulted during our stay at SCI-Albion.

Therefore, I am respectfully requesting that arrangements be made in advance to insure that I am not transferred to that particular facility prior to trial. In the alternative, I will submit a Temporary Restraining Order from the Court as I am **in fear for my life and safety** if transferred to SCI-Albion, **based on previous retaliations as mentioned above.**

Thank you for your time and cooperation, and I look forward to your written response from Judge McLaughlin.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Robert Richmond', written over a horizontal line.

Robert Richmond  
Plaintiff, Pro se

cc: file

Craig Maravich

Attachment 7 of 7

FORM DC-141		PART I				A 149874	
<input checked="" type="checkbox"/> MISCONDUCT REPORT		<input type="checkbox"/> OTHER		DEPARTMENT OF CORRECTIONS			
DC Number	Name	Institution	Incident Time 24 Hr. Base	Incident Date	Date of Report		
DB-7852	RICHMOND, ROBERT	GRN	1550	2-28-99	2-28-99		
Quarters	Place of Incident						
FD-15	F-BLK D-POD CELL #15						
OTHER INMATES OR STAFF INVOLVED OR WITNESSES (CHECK I OR W)							
DC Number	Name	I	W	DC Number	Name	I	W
OFCR	MCELRAY						
OFCR	BEDILION						
MISCONDUCT CHARGE OR OTHER ACTION							
CLASS 1 CAT. A #1A-ASSAULT-INCLUDING ANY AGGRESSIVE PHYSICAL CONTACT WITH A POTENTIAL FOR INJURY TOWARDS AN EMPLOYEE							
CLASS 1 CAT A #7-REFUSING TO OBEY AN ORDER							
STAFF MEMBER'S VERSION							
ON THE ABOVE DATE AND TIME WHILE FEEDING FD-POD INMATE RICHMOND DB-7852 WHO IS HOUSED IN FD-15 WAS GIVEN A DIRECT ORDER TO REMOVE HIS RIGHT ARM AND HAND FROM OUTSIDE HIS WICKET. HE REFUSED THIS ORDER. AT THAT TIME I/M RICHMOND THREW HIS TRAY LID AND CUP FILLED WITH JUICE AT OFCR MCELRAY AND MYSELF IN AN ATTEMPT TO STRIKE US. AS I ATTEMPTED TO CHOSE THE WICKET I/M RICHMOND PUT BOTH HIS ARMS AND HANDS THROUGH THE WICKET AND GRABBED MY FOREARMS. AT THAT TIME OFCR MCELRAY GAVE I/M RICHMOND A DIRECT ORDER TO LET ME GO. HE REFUSED THIS ORDER. TO PREVENT ME FROM INJURY OFCR MCELRAY USED AN CONTROLLING TECHNIQUE IN AN ATTEMPT TO RELEASE I/M RICHMONDS LEFT HAND FROM MY RIGHT FOREARM. AT THAT TIME OFCR BEDILION RESPONDED TO THE INCIDENT. OFCR BEDILION USED A CONTROLLING COM							
IMMEDIATE ACTION TAKEN AND REASON							
PRE-HEARING CONFINEMENT				SEE PART II			
IF YES							
<input type="checkbox"/> YES	TIME	DATE					
<input checked="" type="checkbox"/> NO							
REPORTING STAFF MEMBER SIGNATURE AND TITLE				ACTION REVIEWED AND APPROVED BY RANKING C.O. ON DUTY		DATE AND TIME INMATE GIVEN COPY	
S. Wilkes CO1 Wilkes				RC Ro Co2		DATE TIME 24 HOUR BASE	
YOUR HEARING MAY BE SCHEDULED ANY TIME AFTER DATE				Misconduct Category		Signature of Person Serving Notice	
2-29-99 2100				<input checked="" type="checkbox"/> CLASS 1 <input type="checkbox"/> CLASS 2			
NOTICE TO INMATE							
You are scheduled for a hearing on this allegation on the date and the time indicated or as soon thereafter as possible. You may remain silent, if you wish. Anything you say will be used against you both at the misconduct hearing and in a court of law if this matter is referred for criminal prosecution. If you choose to remain silent, the hearing committee/examiner may use your silence as evidence against you. If you indicate that you wish to remain silent, you will be asked no further questions. If you are found guilty of a Class I misconduct, any pre-release status you have will be revoked.							

**GOLDENROD—Deputy Superintendents**